

NO. 25266

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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ASSOCIATES FINANCIAL SERVICES COMPANY OF HAWAII, INC., a Hawai'i  
corporation, Plaintiff/Counterclaim Defendant-Appellee,  
Cross-Appellant

vs.

RICHARD MEEK CRABBE, Defendant/Counterclaimant-Appellant,  
Cross-Appellee

and

DIAL ELECTRIC COMPANY, INC.; MILILANI TOWN ASSOCIATION; CHILD  
SUPPORT ENFORCEMENT AGENCY, STATE OF HAWAI'I; JOHN DOES 1-10;  
JANE DOES 1-10; DOE PARTNERSHIPS 1-10; and DOE GOVERNMENTAL UNITS  
1-10, Defendants

and

NOLAN LEE KELIINOHOPO NO CRABBE, Intervenor/Counterclaimant-  
Appellant, Cross-Appellee  
(CIV. NO. 97-3300)

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ASSOCIATES FINANCIAL SERVICES COMPANY OF HAWAII, INC., a Hawai'i  
corporation, Plaintiff/Counterclaim Defendant-Appellee,  
Cross-Appellant

vs.

RICHARD MEEK CRABBE, Defendant/Counterclaimant-Appellant,  
Cross-Appellee

and

JOHN DOES 1-10; JANE DOES 1-10; DOE PARTNERSHIPS 1-10; DOE  
CORPORATIONS 1-10; DOE ENTITIES 1-10; and DOE GOVERNMENTAL UNITS  
1-10, Defendants

and

NOLAN LEE KELIINOHOPO NO CRABBE, Intervenor/Counterclaimant-  
Appellant, Cross-Appellee  
(CIV. NO. 00-1-1332)

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APPEAL FROM THE FIRST CIRCUIT COURT  
(CIV. NOS. 97-3300 and 00-1-1332)

ORDER DISMISSING APPEAL AND CROSS-APPEAL

(By: Moon, C.J., Levinson, Nakayama, Ramil, and Acoba, JJ.)

Upon review of the record, it appears the July 16, 2002 final judgment that purports to be the final judgment in the consolidated cases of Civil Nos. 97-3300-08 and 00-1-1332-04, the Honorable Gary W.B. Chang presiding, does not satisfy the requirements of Rule 58 of the Hawai'i Rules of Civil Procedure (HRCP). "An appeal may be taken from circuit court orders resolving claims against parties only after the orders have been reduced to a judgment and the judgment has been entered in favor of and against the appropriate parties pursuant to HRCP 58[.]" Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119, 869 P.2d 1334, 1338 (1994).

[I]f a judgment purports to be the final judgment in a case involving multiple claims or multiple parties, the judgment (a) must specifically identify the party or parties for and against whom the judgment is entered, and (b) must (i) identify the claims for which it is entered, and (ii) dismiss any claims not specifically identified[.]

Id.

For example: "Pursuant to the jury verdict entered on (date), judgment in the amount of \$\_\_\_ is hereby entered in favor of Plaintiff X and against Defendant Y upon counts I through IV of the complaint." A statement that declares "there are no other outstanding claims" is not a judgment. If the circuit court intends that claims other than those listed in the judgment language should be dismissed, it must say so; for example, "Defendant Y's counterclaim is dismissed," or "Judgment upon Defendant Y's counterclaim is entered in favor of Plaintiff/Counter-Defendant Z," or "all other claims, counterclaims, and cross-claims are dismissed."

Id. at 119-20 n.4, 869 P.2d at 1338-39 n.4. "[A]n appeal from any judgment will be dismissed as premature if the judgment does

not, on its face, either resolve all claims against all parties or contain the finding necessary for certification under HRCP 54(b).” Id. at 119, 869 P.2d at 1338.

In their counterclaims, Defendant/Counterclaim-Plaintiff/Appellant/Cross-Appellee Richard Meek Crabbe (Appellant Richard Crabbe) and Intervener/Counterclaim-Plaintiff/Appellant/Cross-Appellee Nolan Lee Keliinohopono Crabbe asserted three separate counts against Plaintiff/Counterclaim-Defendant/Appellee/ Cross-Appellant Associates Financial Services Company of Hawaii, Inc. (Appellee Associates Financial Services) in each of the two consolidated cases. Appellee Associates Financial Services asserted one cause of action against four parties, including Appellant Richard Crabbe, in Civil No. 97-3300-08, plus eight separate counts against Appellant Richard Crabbe in Civil No. 00-1-1332-04. Although the July 16, 2002 final judgment enters judgment in favor of Appellee Associates Financial Services and against Appellant Richard Crabbe, the July 16, 2002 final judgment does not identify the claims for which judgment is entered. Therefore, the July 16, 2002 judgment does not satisfy the requirements of HRCP Rule 58 according to our holding in Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i at 119, 869 P.2d at 1338, and the parties' appeal and cross-appeal are premature. Accordingly,

IT IS HEREBY ORDERED that this appeal and cross-appeal are dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, November 21, 2002.